

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Organization, Public Information, and Types of Proceedings
- 2) Code Citation: 2 Ill. Adm. Code 2175
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
2175.205	Amended
2175.700	New
2175.710	New
- 4) Statutory Authority: Implementing Section 10 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/10, 27 and 28] and Section 5-15 of the Administrative Procedure Act [5 ILCS 100/5-15]
- 5) Effective Date of Amendments: March 4, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments are on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500, and are available there for public inspection.
- 9) Notice of Proposal Published in Illinois Register: Pursuant to Section 5-15 of the Administrative Procedure Act [5 ILCS 100/5-15] these rules were not published as proposed rules in the *Illinois Register*.
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The Board is amending its administrative rules, last amended in 2006, to update fees charged for copies provided to the public by

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referencing the Freedom of Information Act Sections on fees that may be charged. Also the Board is detailing responses to emergency shut-downs of Board offices, or facilities housing Board activities if a hearing is scheduled or a Board filing date is set on the day of the emergency shut-down.

- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Marie Tipsord  
Illinois Pollution Control Board  
100 W. Randolph 11-500  
Chicago, IL 60601

312/814-4925

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the Docket number R11-21 in your request. The Board order is also available from the Board's Web site ([www.ipcb.state.il.us](http://www.ipcb.state.il.us)).

The full text of the Adopted Amendments begins on the next page:

TITLE 2: GOVERNMENTAL ORGANIZATION  
SUBTITLE E: MISCELLANEOUS STATE AGENCIES  
CHAPTER XXVIII: POLLUTION CONTROL BOARD

PART 2175  
ORGANIZATION, PUBLIC INFORMATION, AND TYPES OF PROCEEDINGS

SUBPART A: INTRODUCTION AND ORGANIZATION

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Section

- 2175.100 Summary and Purpose
- 2175.105 Board Membership
- 2175.110 Organization and Supervisory Relationships
- 2175.115 Location of Offices
- 2175.120 Board Meetings
- 2175.125 Public Notice of Open Board Meetings and Closed Deliberative Sessions
- 2175.130 Agenda of Open Board Meetings and Closed Deliberative Sessions
- 2175.135 Minutes of Open Board Meetings; Minutes and Verbatim Record of Closed Deliberative Sessions
- 2175.140 Accessibility of Open Board Meetings and Hearings

SUBPART B: FEES AND FORMS OF PAYMENT

Section

- 2175.200 Filing Fees
- 2175.205 Copying Fees
- 2175.210 Copying Procedures
- 2175.215 Forms of Payment
- 2175.220 Other Fees/Costs

SUBPART C: PUBLIC INFORMATION

Section

- 2175.300 Files Open to Reasonable Public Inspection
- 2175.305 Publications
- 2175.310 Board Web Site
- 2175.315 Documents Available from the Clerk's Office
- 2175.320 Requests for Information

SUBPART D: ACCESS TO BOARD RULES

Section

- 2175.400 Access to Board Rules in the Illinois Administrative Code

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SUBPART E: RULEMAKING

- Section
- 2175.500 Proposals
- 2175.505 Hearing
- 2175.510 First Notice
- 2175.515 Second Notice
- 2175.520 Adopted Rules
- 2175.525 Emergency Rules
- 2175.530 Peremptory Rules
- 2175.535 Rules Identical-In-Substance to Federal Regulations
- 2175.540 Federally Required Rules
- 2175.545 Generally Applicable Rules and Site-Specific Rules
- 2175.550 Clean Air Act Fast-Track Rulemaking
- 2175.555 Updating Incorporations By Reference

SUBPART F: ADJUDICATORY PROCEEDINGS

- Section
- 2175.600 Adjudicatory Proceedings

SUBPART G: EMERGENCY PROCEDURES

- Section
- 2175.700 Emergency Procedures For Filings
- 2175.710 Emergency Procedures For Hearings

2175.APPENDIX A Organizational Chart

AUTHORITY: Implementing Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and authorized by Section 5 of the Environmental Protection Act [415 ILCS 5/5].

SOURCE: Administrative rules adopted at 3 Ill. Reg. 23, p. 96, effective May 29, 1983; repealed by operation of law effective October 1, 1984; new rules adopted at 9 Ill. Reg. 107, effective December 21, 1984; old Part repealed at 20 Ill. Reg. 4796 and new Part adopted at 20 Ill. Reg. 4798, effective March 5, 1996; amended in R04-9 at 30 Ill. Reg. 14990, effective August 29, 2006; amended in R11-21 at 35 Ill. Reg. 4549, effective March 4, 2011.

SUBPART B: FEES AND FORMS OF PAYMENT

**Section 2175.205 Copying Fees**

- 87 a) Most files, records, and data are available on the Board's Web site (see Section  
88 2175.310 of this Part), where they may be viewed, searched, and downloaded free  
89 of charge. Copies may also be made at the Board office in Chicago upon payment  
90 of reasonable reproduction fees as prescribed by Section 6 of the FOIA [5 ILCS  
91 140/6]. When reasonably practicable, materials may be provided electronically in  
92 the form of compact disk, or other appropriate portable electronic storage device.  
93 The fee for such material will be based on actual costs incurred by the  
94 Board, follows:  
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96 1) ~~A hard copy of a single opinion and order will be furnished on request~~  
97 ~~without cost, irrespective of length, with any dissenting and concurring~~  
98 ~~opinions s. Hard copies of multiple opinions and orders cost 75 cents per~~  
99 ~~page.~~  
100  
101 2) ~~Hard copies of hearing transcripts cost 75 cents per page.~~  
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103 3) ~~Hard copies of all other documents cost 75 cents per page.~~  
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105 4) ~~When reasonably practicable, materials may be provided electronically in~~  
106 ~~the form of a diskette or compact disk. The fee for such material will be~~  
107 ~~based on actual costs incurred by the Board.~~  
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109 b) State agencies are, upon request, provided a hard copy of opinions and orders and  
110 transcripts free of charge.  
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112 c) Fees will be waived or reduced if:  
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114 1) The requestor is a constitutional officer or a member of the General  
115 Assembly; or  
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117 2) *The requestor states the specific purpose for the request and indicates that*  
118 *a waiver of the fee is in the public interest. Waiver of the fee is in the*  
119 *public interest if the principal purpose of the request is to access and*  
120 *disseminate information regarding the health, safety, and welfare or the*  
121 *legal rights of the general public and is not for the purpose of personal or*  
122 *commercial benefit [5 ILCS 140/6(c**b**)].*  
123  
124 d) No fee will be charged to inspect records. Inspection of records can only take  
125 place in Chicago at the Clerk's Office.  
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127 (Source: Amended at 35 Ill. Reg. 4549, effective March 4, 2011)  
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129 SUBPART G: EMERGENCY PROCEDURES

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**Section 2175.700 Emergency Procedures For Filings**

In the event that an emergency, such as extreme weather conditions, public safety or other exigency, results in the Governor or other authority directing the closure of the Clerk's office on a day scheduled for regular business, the Board will implement the following procedures:

- a) All non-statutory filing deadlines will be automatically extended until the next business day.
- b) Statutory filing deadlines must be met by following the rules at 35 Ill. Adm. Code 101.Subpart C.
- c) When possible, the Board will place notices on the Board's website of the emergency closures.

(Source: Added at 35 Ill. Reg. 4549, effective March 4, 2011)

**Section 2175.710 Emergency Procedures For Hearings**

In the event that an emergency, such as extreme weather conditions, public safety or other exigency, results in the Governor or other authority directing the closure of a facility where a Board hearing is scheduled for the day of the closure, the Board will implement the following procedures:

- a) Hearings scheduled for the day of the emergency closure, will be held on the next business day and may be continued on the record to a date certain, when schedules of the participants require such a continuance.
- b) When possible, the Board will place notices on the Board's website of the emergency closures and the date of the continued hearing.

(Source: Added at 35 Ill. Reg. 4549, effective March 4, 2011)

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~~1) A hard copy of a single opinion and order will be furnished on request without cost, irrespective of length, with any dissenting and concurring opinions. Hard copies of multiple opinions and orders cost 75 cents per page.~~

~~2) Hard copies of hearing transcripts cost 75 cents per page.~~

~~3) Hard copies of all other documents cost 75 cents per page.~~ 4) When reasonably practicable, materials may be provided electronically in the form of a diskette or compact disk. The fee for such material will be based on actual costs incurred by the Board.

b) State agencies are, upon request, provided a hard copy of opinions and orders and transcripts free of charge.



c) Fees will be waived or reduced if:

1) The requestor is a constitutional officer or a member of the General Assembly; or

2) The requestor states the specific purpose for the request and indicates that a waiver of the fee is in the public interest. Waiver of the fee is in the public interest if the principal purpose of the request is to access and disseminate information regarding the health, safety, and welfare or the legal rights of the general public and is not for the purpose of personal or commercial benefit [5 ILCS 140/6 ~~(be)-c~~].

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~~POLLUTION CONTROL BOARD~~

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Rendering set	Standard

Legend:	
<u>Insertion</u>	
<del>Deletion</del>	
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Statistics:	
	Count
Insertions	20
Deletions	24
Moved from	0
Moved to	0
Style change	0
Format changed	0
Total changes	44